

JUN 9 1982

ORDINANCE NO. 82-10

ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, REPEALING ORDINANCE NO. 81-31, WHICH CONTAINED NUMEROUS SUBSTANTIVE ERRORS; ADOPTING IN ITS PLACE A CORRECTED ORDINANCE TO REVISE THE DENSITY PROVISIONS OF THE PLANNED UNIT DEVELOPMENT SECTION OF THE PALM BEACH COUNTY ZONING CODE IN ORDER TO BRING SAID SECTION INTO CONFORMANCE WITH THE PALM BEACH COUNTY COMPREHENSIVE PLAN; PROVIDING FOR CODIFICATION, SEVERABILITY OF INVALID PROVISIONS, REPEAL OF CONFLICTING LAWS, AND AN EFFECTIVE DATE.

WHEREAS, on November 10, 1981, the Board of County Commissioners of Palm Beach County, approved and adopted Ordinance No. 81-31, with an effective date of November 23, 1981, which ordinance amended the P.U.D. provisions of Ordinance No. 73-2, as amended; and

WHEREAS, said ordinance as finally approved, adopted and executed, inadvertently contained substantive errors which have the effect of compromising and confusing the actual intent and meaning of the proposed amendments contained therein; and

WHEREAS, the errors are so extensive that a comprehensive replacement of Ordinance No. 81-31 would be the most efficient means of achieving the desired result; and

WHEREAS, the amendments to Ordinance No. 73-2, as amended, are necessary to conform the planned unit development density provision therein with requirements established by the Palm Beach County Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:

SECTION I.

Ordinance R(sic) 81-31 is hereby repealed in its entirety.

SECTION II.

Section 500.21.f is hereby deleted in its entirety and is replaced as follows: 500.21.f Planned Unit Development - Residential Density.

This Section establishes the maximum TOTAL DENSITY to be permitted for any given Planned Unit Development (PUD).

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1 1. STANDARD DENSITY.

2 The STANDARD DENSITY of a Planned Unit Development to be
3 permitted shall be that of the underlying zoning district,
4 provided that the density permitted by the underlying zoning
5 district does not exceed the maximum STANDARD DENSITY of the
6 appropriate LAND USE PLAN CATEGORY as listed in the RESIDENTIAL
7 DENSITY table and provided that all mandatory performance
8 standards of the Land Use Element of the Comprehensive Plan are
9 being met for that density. For the purposes of this section,
10 underlying zoning districts are considered to permit up to the
11 following standard densities:

12 AP - dwellings accessory to bondfide
13 agricultural uses only;
14 AR - 0.2 dwelling units per gross acre;
15 RE - 0.4 dwelling units per gross acre;
16 RT - 1.0 dwelling units per gross acre;
17 RTS - 2.0 dwelling units per gross acre;
18 RS - 3.0 dwelling units per gross acre;
19 RM - 8.0 dwelling units per gross acre;
20 RH -12.0 dwelling units per gross acre;

21 2. PUD BONUS.

22 In addition to the permitted STANDARD DENSITY, a PUD may
23 qualify for a PUD BOUNUS if; a) the proposed PUD is consistent
24 with Section 500.21 A., PURPOSE AND INTENT and with Section 500.21
25 M, General Objectives; and b) the mandatory PERFORMANCE STANDARDS
26 of the LAND USE PLAN ELEMENT of the COMPREHENSIVE PLAN will be
27 met for the TOTAL DENSITY to be permitted. The range of a possible
28 PUD BONUS within each LAND USE PLAN CATEGORY is described in the
29 RESIDENTIAL DENSITY table.

30 3. TDR BONUS.

31 In addition to the permitted STANDARD DENSITY AND PUD BONUS,
32 a PUD may qualify for a TDR (Transfer of Development Rights) BONUS
33 if: a) the proposed transfer is consistent with the TRANSFER
34 OF DEVELOPMENT RIGHTS provisions of the LAND USE PLAN ELEMENT of
35 the COMPREHENSIVE PLAN and with any other regulations which the
36 County may adopt governing the transfer of development rights and
37 b) the mandatory PERFORMANCE STANDARDS of the LAND USE PLAN
38 ELEMENT of the COMPREHENSIVE PLAN will be met for the TOTAL
39 DENSITY to be permitted. The range of a possible TDR BONUS within
40 each LAND USE PLAN CATEGORY is described in the RESIDENTIAL

DENSITY table.

4. RESIDENTIAL DENSITY TABLE.

The RESIDENTIAL DENSITY table describes the ranges which may be permitted for STANDARD DENSITY, for PUD BONUS, for a TDR BONUS, and as the TOTAL DENSITY for any project within each LAND USE PLAN CATEGORY. Under no circumstances may the range of permitted densities, defined by this RESIDENTIAL DENSITY table, be exceeded.

LAND USE PLAN CATEGORY (Map Color)	Range of Permitted Densities-Dwelling Units per Gross Acre			
	STANDARD DENSITY	PUD +BONUS	TDR +BONUS	TOTAL =DENSITY
Agricultural Preservation (Olive)	Accessory farm dwellings only	+0	+0	=Accessory farm dwellings only
Reserve (Line)	0.2	+(0) to (0.8)*	+0	=(0.2) to (1.0)*
Very Low (Yellow)	(0.2) to (0.4)	+(0) to (0.1)	+0	=(0.2) to (0.5)
Very Low to Low (Orange)	(0.4) to (2.0)	+(0) to (1.0)	+0	=(0.4) to (3.0)
Low to Medium (Red)	(1.0) to (3.0)	+(0) to (2.0)	+(0) to (3.0)	=(1.0) to (8.0)
Medium to Medium-High (Brown)	(2.0) (8.0)	+(0) to (4.0)	+(0) to (4.0)	=(2.0) to (16.0)
Medium-High to High (Dark Brown)	(3.0) to (12.0)	+(0) to (6.0)	+(0) to (6.0)	=(3.0) to (24.0)

*(Refer to the RESERVE category section of the FUTURE LAND USE ELEMENT of the COMPREHENSIVE PLAN for special provisions for PUD bonuses in this category.)

1 5. FAILURE TO MEET ALL PERFORMANCE STANDARDS

2 Where all mandatory performance standards cannot be
3 satisfied, property may be rezoned to a residential zoning
4 classification not greater than the bottom of the range of the
5 STANDARD DENSITY permitted in the appropriate Land Use Plan
6 Category, and shall not exceed the following:

7 Land Use 8 Plan Category	Maximum Permitted Residential Zoning	Maximum Permitted Residential Density
9 Very low	AR	1 unit/5 acres
10 Very low - low	RE	1 unit/2 1/2 acres
11 Low - medium	RT	1 unit/acre
12 Medium - medium high	RTS	2 units/acre
13 Medium high - high	RS	3 units/acre

14 SECTION III. INCLUSION IN CODE.

15 The provisions of this Ordinance shall become and be made
16 a part of the Code of Laws and Ordinances of Palm Beach County,
17 Florida, and the various sections may be retitled, renumbered or
18 relettered to accomplish said inclusion.

19 SECTION IV. SEVERABILITY OF INVALID PROVISIONS

20 If any section, subsection, paragraph, sentence, clause or
21 phrase of this ordinance should be declared invalid for any
22 reason whatsoever, such decision shall not affect the remaining
23 portions which shall remain in full force and effect. To this
24 end, the provisions of this ordinance are hereby declared to be
25 severable.

26 SECTION V. REPEAL OF CONFLICTING LAWS.

27 Any provisions of any ordinance or laws of Palm Beach
28 County existing on the effective date of this ordinance, which
29 are in conflict with the provisions contained herein and
30 especially Ordinance R-81-31 in its entirety, shall be deemed
31 repealed to the extent of such conflict.

32 SECTION VI. EFFECTIVE DATE.

33 This ordinance shall take effect as provided by laws.
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1 APPROVED AND ADOPTED by the Board of County Commissioners
2 of Palm Beach County, Florida, on this 6th day of April,
3 1982.

4 PALM BEACH COUNTY, FLORIDA, BY ITS
5 BOARD OF COUNTY COMMISSIONERS

6 By  Chairman

7
8 Acknowledged by the Department of State of the State of
9 Florida, this 19th day of April, 1982.

10 EFFECTIVE DATE: Acknowledgement from the Department of
11 State received on this 22nd day of April, 1982, at
12 2:13 P.M., and filed in the Office of the Clerk of the
13 Board of County Commissioners of Palm Beach County, Florida.

14
15 APPROVED AS TO FORM AND
16 LEGAL SUFFICIENCY

17 By  County Attorney